

**QLDC Council
30 April 2015**

Report for Agenda Item: 6

Department: Operations

Revocation of Reserve Status – Glenda Drive

Purpose

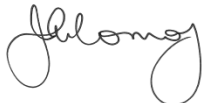
- 1 The purpose of this report is to consider revoking the reserve status for a local purpose reserve in Glenda Drive to facilitate a land exchange between Shotover Park Limited and Queenstown Lakes District Council.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the revocation of the local purpose beautification reserve status over Lots 607 and 608 DP 27577 on the basis that the Council considers that the reserve status should be revoked for the following reasons:
 - a. Due to the industrial development/zoning of the surrounding area the land subject of this report is no longer considered useful as a reserve.
3. **Instructs** the Chief Executive to send the Council's resolution and a copy of this report to the Minister of Conservation and to request that the Minister revoke the local purpose beautification reserve status over Lots 607 and 608 DP 27577 under section 24(1) of the Reserves Act 1977, by notice in the Gazette.

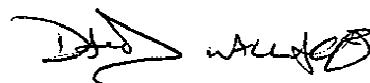
Prepared by:



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7/04/2015

Reviewed and Authorised by:



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Senior Parks and Reserves
Planner

13/04/2015

Background

3. Lots 607 and 608 DP 27577 are local purpose beautification reserve at the back of the waste transfer station in Glenda Drive. They were vested in the Council as part of a subdivision, primarily to prevent people from accessing their properties from the unformed road to the west. The land was not acquired from the Crown. Lots 607 and 608 are the strips highlighted pink on the attached plan. The area is 163 square metres but only 2 metres in width.
4. Because the land to the west is going to be developed as commercial and industrial sites, with small lanes created to service rear sections from Road 4, Infrastructure consider it undesirable to have a track through this area, primarily for safety reasons, and therefore there is no longer any obvious purpose to retain Lots 607 or 608.
5. Shotover Park Limited are in the process of subdividing the site to the west of the reserve and have asked for this reserve to be transferred to them as part of a land exchange.
6. Council considered the land exchange proposal and reserve revocation at the meeting of 25 November 2014 and passed the following resolution (note the figure is blocked out because negotiations with Shotover Park are not complete as at the date of this report):

On the motion of Councillors Gilmour and Lawton it was resolved that the Council:

- a. **Approve the Chief Executive entering into an agreement with Shotover Park Limited to exchange land as outlined in this report for an amount of no more than \$xxx (plus GST if any) with the costs of legalisation for the exchange to be shared equally between the parties; and**
 - a. **Agree to the notification of the intention to uplift the reserve classification on lots 607 and 608 DP 27577, and to appoint three Councillors, any two of whom will hear any objections received.**
7. The intention to revoke the reserve status was notified on 4 March 2015 with submissions closing 8 April 2015. No submissions were received and therefore no hearing was required.

Comment

8. The land exchange is a good outcome for Council because it provides additional usable area for the transfer station and recycling depot. The revocation is an essential part of the process because the land transferring to Shotover Park

Limited is currently reserve, and reserve status must be uplifted prior to transfer to a private party.

9. The reserve is no longer required in this location. It was put in place to prevent people being able to access their properties from what was legal road on the western side of the reserve. The road was closed some time ago and ownership as freehold title transferred to Shotover Park Limited.

Options

10. **Option 1** – That the Council approves the revocation of the reserve over Lots 607 and 608 DP 27577 and instructs the Chief Executive to request the Minister of Conservation to revoke the reserve status.

Advantages:

- 13 The land exchange previously approved can be facilitated to create additional usable space at the transfer station and recycling depot. The proposal also creates a more practical shape site for Shotover Park Limited.

Disadvantages:

- 14 None identified. The purpose for which the reserve was acquired is no longer relevant.
- 15 **Option 2** - That the Council does not approve the revocation of reserve status over Lots 607 and 608 DP 27577 and declines to instruct the Chief Executive to request the Minister of Conservation to revoke the reserve status.

Advantages:

- 16 None identified. Failure to revoke the reserve status will mean the previously approved land exchange will be unable to proceed.

Disadvantages:

- 17 As noted above, the land exchange with Shotover Park would not proceed. Council could then negotiate with Shotover Park to buy the land to be acquired, but it would all be purchased at market rate rather than some of it being offset by an exchange. Shotover Park would be unable to obtain the reserve land for its requirements.
- 18 This report recommends Option 1 because it is the most cost-effective way of acquiring additional land.

Significance and Engagement

- 19 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is not of interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

Risk

- 20 This matter does not have significant risk.
- 21 The recommended option mitigates risk because it would result in increasing the size of the recycling depot and transfer station sites, thus future proofing them to some extent. It also results in two unusable areas of reserve being disposed of, therefore reducing future maintenance costs.

Financial Implications

- 22 The cost of revoking the reserve status will be covered by the current property budget, and is minimal (approximately \$300). The inequity of exchange with Shotover Park Limited was covered in the previous paper, but it should be noted that funding for that project will need to be included in the 2015-2016 annual plan.

Council Policies, Strategies and Bylaws

- 23 No Council policies, strategies and bylaws were considered to be relevant.
- 24 This matter is not included in the 10-Year Plan/Annual Plan. Funding for the inequity of exchange as previously agreed will need to be obtained as an internal submission to the 2015-2016 Annual Plan.

Local Government Act 2002 Purpose Provisions

- 25 The recommended option:
- Will help to meet the current and future needs of the community for good-quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing additional land for infrastructure purposes at lower cost to Council.
 - The proposed exchange cannot be implemented through current funding under the 10-Year Plan and Annual Plan and will need to be included as an internal submission; and
 - Is consistent with the Council's plans and policies; and
 - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 26 The intention to revoke the reserve status was publicly notified in accordance with section 119 of the Reserves Act, with no submissions received. Shotover Park, is affected by, and has an interest in this matter, as a neighbouring owner and the other party involved in the land exchange. It is considered that its views and preferences are adequately known, and that it is supportive of the revocation.

Legal Considerations and Statutory Responsibilities

- 27 The process of revoking reserve classifications is detailed in the Reserves Act 1977. The process has been followed as required and the recommendation contained in this report is consistent with the Act. The Act requires that the revocation of Reserve classification be approved by the Minister of Conservation. If the recommendations are adopted by the Council, a copy of this report and the resolution will be forwarded to the Minister with a request that revocation of reserve status be completed by notice in the Gazette. The revocation is not complete until the notice has been published.
- 28 Under section 40 of the Public Works Act, the Council is required to offer any land back to its former owner if it is no longer required for the specific public work. The subject land was not taken pursuant to the Public Works Act and so this is not a requirement in this case.